

Office of the Secretary of Defense

§ 299.4

paragraph (f) of this section will be followed.

§ 298.5 Information requirements.

The DIS Office of Information and Public Affairs is responsible for preparation of the annual "Freedom of Information Act Report." This report has been assigned control symbol PA (TRA&AN) 1365. No forms or publications are required by this part.

PART 299—NATIONAL SECURITY AGENCY (NSA) FREEDOM OF INFORMATION ACT PROGRAM

Sec.

299.1 Purpose.

299.2 Organization and requests for information.

299.3 Indexes.

299.4 Procedures for request of records.

299.5 Appeals.

299.6 Effective date.

AUTHORITY: 5 U.S.C. 552.

§ 299.1 Purpose.

Pursuant to the requirements of the Freedom of Information Act as amended (5 U.S.C. 552), the following rules of procedure are established with respect to public access to the records of the National Security Agency/Central Security Service.

[56 FR 15047, Apr. 15, 1991]

§ 299.2 Organization and requests for information.

The Headquarters of the National Security Agency/Central Security Service is located at Fort George G. Meade, Md. Requests for information and decisions and other submittals may be addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Fort George G. Meade, Md. 20755.

[40 FR 7300, Feb. 19, 1975, as amended at 46 FR 26482, May 13, 1981]

§ 299.3 Indexes.

The NSA/CSS does not originate final orders, opinions, statements of policy, interpretations, staff manuals or instructions that affect a member of the public of the type covered by the indexing requirement of 5 U.S.C. 552(a)(2) or required to be published for the guid-

ance of the public under 5 U.S.C. 552(a)(1). The Director, NSA/Chief, CSS, has therefore determined, pursuant to pertinent statutory and Executive order requirements, that it is unnecessary and impracticable to publish an index of the type required by 5 U.S.C. 552 as amended by Pub. L. 93-502.

[40 FR 7300, Feb. 19, 1975]

§ 299.4 Procedures for request of records.

(a) *Requests.* Requests for access to records of the National Security Agency/Central Security Service may be filed by mail addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Fort George G. Meade, Md. 20755. Requests need not be made on any special form but may be by letter or other written statement identifying the request as a Freedom of Information Act request and setting forth sufficient information reasonably describing the requested record.

(b) *Determination and notification.* When the requested record has been located and identified, the Information Officer shall determine whether the record is one which, consistent with statutory requirements, Executive orders and appropriate directives, may be released or should be exempted under the provisions of 5 U.S.C. 552. The Chief, Office of Policy, shall notify the requester of his determination within 10 working days of his receipt of the request.

(c) *Extension of response time.* Where the requested record cannot be located within the initial response period of 10 days because of unusual circumstances, the Chief, Office of Policy shall notify the requester in writing within the initial response period of the delay, the reasons therefore, and a date, not to exceed 10 working days, on which a determination is expected to be dispatched.

(d) *Fees.* (1) *General.* As a component of the Department of Defense, the applicable published Departmental rules and schedules with respect to the schedule of fees chargeable and waiver of fees will also be the policy of NSA/CSS. See § 286.33 *et seq.*

(2) *Advance payments.* (i) Where a total fee to be assessed is estimated to

§ 299.5

exceed \$250, advance payment of the estimated fee will be required before processing of the request, except where assurances of full payment are received from a requester with a history of prompt payment. Where a requester has previously failed to pay a fee within 30 days of the date of billing, the requester will be required to pay the full amount owed as well as make an advance payment of the full amount of any estimated fee before processing of the request continues.

(ii) For all other requests, advance payment, *i.e.*, a payment made before work is commenced, will not be required. Payment owed for work already completed is not an advance payment, however, responses will not be held pending receipt of fees from requesters with a history of prompt payment. Fees should be paid by certified check or postal money order forwarded to the Chief, Office of Policy, and made payable to the Treasurer of the United States.

[40 FR 7300, Feb. 19, 1975, as amended at 46 FR 26482, May 13, 1981; 56 FR 15047, Apr. 15, 1991]

32 CFR Ch. I (7-1-99 Edition)

§ 299.5 Appeals.

Any person denied access to records, or denied a fee waiver may, within 60 days after notification of such denial, file an appeal to the Freedom of Information Act Appeals Authority, National Security Agency/Central Security Service. Such an appeal shall be in writing addressed to the Freedom of Information Act Appeals Authority, National Security Agency/Central Security Service, Fort George G. Meade, Md. 20755-6000, shall reference the initial denial and shall contain in sufficient detail and particularity the grounds upon which the requester believes release of the information, or granting of the fee waiver is required. The Freedom of Information Act Appeals Authority shall respond to the appeal within 20 working days after receipt of the appeal.

[56 FR 15047, Apr. 15, 1991]

§ 299.6 Effective date.

This notice shall become effective upon May 13, 1981.

[46 FR 26482, May 13, 1981]